

**Decree of the King's Council of State, granting premiums for the encouragement of French merchants, who shall carry dried cod-fish of the national fishery, to the Windward and Leeward Islands; also to the European ports, as Italy, Spain and Portugal**

**DECREE** Of the **KING's COUNCIL** of **STATE**, granting **PREMIUMS** for the Encouragement of **FRENCH MERCHANTS**, who shall carry **DRIED COD-FISH** of the National Fishery, to the **WINDWARD** D and **LEEWARD ISLANDS**; also to the European Ports, as **ITALY, SPAIN** and **PORTUGAL**. *SEPTEMBER 18, 1785.*

***EXTRACTS from the REGISTERS of the COUNCIL of STATE.***

**THE** King having judged it expedient, for the purpose of securing and facilitating the importation of provisions into his American colonies, to allow foreigners to carry thither dried cod-fish, paying certain duties; and his majesty being desirous that this liberty should in no wise injure the national fisheries, which he will always consider as entitled to his special protection—He has resolved to grant to French owners of vessels who follow this fishery, a premium of encouragement sufficient to excite their zeal, and enable them to sustain, without inconvenience, every kind of competition with foreigners. For which purpose, having heard the report of the sieur de Calonne, ordinary counsellor to the royal council, comptroller general of the finances; the king being present in his council, has ordained, and ordains as follows:

*Article I.* **THERE** shall be allowed to French owners of vessels, and merchants, during the time and space of five years, reckoning from the 1st October of the present year, a premium of *Ten Livres* per quintal of dried cod-fish, which they shall carry, either from the

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ports of France, or from such places where the fishery is conducted, to the Windward or Leeward Islands, upon condition that the said dried fish shall be of the French fishery, and imported in French vessels. His majesty forbids all merchants, owners of vessels, and captains, to declare any foreign fish as fish of the French fishery, under penalty of confiscation of ships and cargoes, and a fine of three thousand livres French money.

II. Captains of vessels who shall carry their cod-fish directly from the fishery to the said islands, shall be obliged to make, both at the register of the admiralty, and the office of "*domaine*" of the place where they shall arrive, their declaration, signed by themselves and three principal sea-officers or sailors of the vessel, containing the quantity of dried cod-fish which they shall have brought; they shall, moreover, conform to the formalities to be observed in the said islands, and such as shall hereafter be prescribed. With regard to those who shall load with cod-fish in the ports of France, to carry to the said islands, they shall be obliged, in order to obtain the premium granted by the preceding article, to make their declaration at the register of the admiralty, also at the office of the farms of the port they sail from, of the quantity of dried cod-fish which they will carry to the said colonies; which declaration shall moreover contain the names of the vessel and captain, and that of the colony for which the said cod-fish shall be destined. There shall be annexed to the said declarations, a certificate from the chamber of commerce, or from the consular judges, where there shall be no chamber of commerce, that the said cod-fish is of a good quality. The secretary of the admiralty shall deliver to the captains of the said vessels, a copy of the said declarations and certificates, to be presented by them at their arrival in the said islands; for this purpose there shall be paid to him, as a full fee, the sum of *two livres*, including therein the registering and copy, without comprehending the stamped paper. The officers of the admiralty shall have no claims whatever to any fees for assistance and time, on account of said declarations, which shall only be subject to the secretary's fees.

III. His majesty's attornies of the admiralties of the ports of France, shall, within the first ten days of each month, address to the secretary of state in the marine and colony

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department, and the directors of the office of the farms, to the comptroller general of the finances, a state of the declarations which shall be made out during the preceding month.

IV. There shall be kept, at the secretary's office of the admiralty of the colonies, a particular register, numbered and marked by the judge of the admiralty, and at the office of the "*domaine*," a similar register, numbered and marked by the intendant, or representative, for the purpose of transcribing thereon the declarations prescribed by the Ild article, together with the permits delivered in the ports of departure in France; which declarations shall moreover be signed and certified in the said register, by those who shall have made them. After the said enregistering, the officers of the admiralty, together with the clerk of the "*domaine*," shall go on board of the said vessels, for the purpose of being present at the discharge, verification and weighing of the dried cod-fish brought by the said vessels.

V. After the said discharge, verification and weighing, the secretary of the admiralty shall deliver to the captain or owner of the vessel, a triplicate copy, after the form of the model annexed to the present decree, containing the declaration which he shall have made, and the quantity of dried cod-fish which he shall have unloaded, which shall be certified and signed, both by the secretary of the admiralty and the clerk of the "*domaine*," All which, under penalty of invalidity and loss of the bounty.

VI. In the ports of the said islands, where there shall be no office of "*domaine*," the declaration prescribed by the Ild article shall only be made to the officers of the admiralty, and the secretary shall deliver a copy of it after he shall have proceeded, in their presence, to discharge, verify and weigh the said dried cod-fish. Every three months the said officers of the admiralty shall address, in triplicates, to the secretary of state, administering the marine and colony department, a state, certified by them, of the declarations which shall have taken place during the preceding three months; that afterwards one of the duplicates of said state may be remitted to the comptroller general of the finances.

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VII. Vessels sitted out of the ports of France, loaded with codfish from the French fishery, shall not enter the colonies, except in those ports where courts of admiralty are established, under penalty of losing the premium.

VIII. The captains or owners of the said vessels shall deliver, at their return to France, at the office of the farms of the ports from which they sailed, the copies and certificates which shall have been delivered to them in conformity to the Ild article aforesaid; which said copies shall be certified by them to be true, and a receipt shall be given to them for it at foot of the copy, by the director or receiver of the farms, who shall have examined it. If the said copies are found regular, and according to the forms prescribed by the preceding articles, his majesty wills, that three months after their delivery, the premium of *Ten Livres* per quintal, mark weight, be paid by the receivers of the farms of the said ports, to the owners or captains; and in case where the directors and receivers of the farm shall judge that the said papers are not regular, they shall return them to the captains or owners, who may appeal to the comptroller general of the finances, according to whose report his majesty will determine the matter.

IX. With respect to vessels of the fixed fishery of the islands of St. Pierre and Miquelon, which shall not return to the ports of France, the owners of them shall send the said papers in form, together with their powers of attorney, for the purpose of receiving the amount of the premium which may be coming to them, to a correspondent whom they shall choose in such part of the kingdom as they shall judge proper.

X. The papers and certificates ordered by II. and V. articles of the present Decree, being reported by the farmer-general of the farms, as well as the receipts of the captains, owners of vessels, or their attornies, declaring the amount of the bounty paid them. The said sum shall be credited to him every year as part of the rent of his lease.

XI. In cases of fraud, where the certificates and declarations prescribed by the aforesaid II. and V. articles, shall be false, the captains or other persons who shall be convicted

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thereof, shall be criminally prosecuted, according to the rigor of the ordinances; and the owner of the vessel condemned to pay four times the sum to which the premiums obtained by their certificates shall amount; and after deducting the reimbursement of what has been unduly received, the surplus shall be divided among those persons employed in the office of the farms, who shall have detected and informed of the fraud.

XII. There shall likewise be granted, and for the like space of five years, to French merchants, who shall carry dried cod-fish, either from the ports of France, or from the places where the fishery is carried on, to the other ports of Europe—such as those of Italy, Spain, and Portugal,—a premium of five livres per quintal of cod-fish, mark weight, upon condition that the said cod-fish shall be of the French fishery, and that the exportation shall be made in French vessels;—Provided the said owners of vessels or captains observe before their departure from the ports of France, the formalities prescribed by the II. article of the present decree, and with respect to the declarations which ought to be made agreeable to the terms of the II. and V. articles at the secretary's office of the admiralty, and at the office of the “*Domaine*,” of the islands, they shall be made in the said form before the French consuls, residing in the ports of Europe, such as those of Italy, Spain, and Portugal—where the said cod-fish shall be discharged. The said consuls shall every month address to the secretary of state, administering the marine department, a state in triplicates, of the declarations which shall have taken place during the preceding month. That afterwards one of the copies of said state may be sent to the comptroller general of the finances.

His majesty commands and orders the Duke de Penthièvre, admiral of France; the intendants of the marine and the colonies; the commissioner sent for the observation of the ordinances in the admiralties; the commissaries generals of the ports and arsenals; the officers of the admiralties; the judges of trade—masters of ports, and all whom it may concern—each of them respectively to assist in the execution of the present Decree, which shall be registered in the office of the admiralties, read, published, and fixed wherever it shall be necessary.— **DONE** in the Kings' Council of State, his Majesty being there

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present, held at St. Cloud, the eighteenth of September, one thousand, seven hundred and eighty-five. *Signed, The MARECHAL DE CASTRIES.*

The Duke de Penthièvre, admiral of France, governor and lieutenant-general for the King in his province of Britannia—

Having seen the foregoing Decree of the King's council of state, and the other parts addressed to us: We command all those over whom our power extends, to execute, and cause it to be executed, each for himself respectively, according to its form and tenor; and we order the officers of the admiralties, to cause it to be enregistered in the offices of their courts, to read, publish, and affix it whenever necessary may require.— **DONE** at Vernon, the thirtieth of September, one thousand seven hundred and eighty-five. *Signed, L. I. M. BOURBON,* And beneath by His most Serene **HIGHNESS. Signed, PERIER.**

**DRAFT** of the **DECLARATION** to be Made, both at the Office of the **ADMIRALTY**, and the Office of “**DOMAINE**,” by the Captains, or Owners of Vessels, who shall unload dried **CODFISH** in the Colonies.

The same draft shall serve for the French consuls in the European ports, such as those of Italy, Spain, and Portugal.

**I THE** under-signed , captain of the vessel called the , burthen tons, fitted out at , by the Sieur merchant in said city; declared to have sailed from said port, the , and to have arrived at , the , with quintals, mark weight of dried cod-fish, of the French fishery, conformable to the declaration passed at the secretary of the admiralties office of said port, and to the certificate of verification of the quality of said cod-fish, made out the same day, which I certify to be true. At the one thousand seven hundred and eighty *Signed.*

**DRAFT** of the **WARRANT** to be delivered in consequence of the said **DECLARATION**, by the **CLERK** of the **OFFICE** of in the **COLONIES.**

**WE** the undersigned , receiver and comptroller of the office of (or consul) at , certify, that upon the declaration which has been made us the , by the Sieur , captain of the vessel called the , burthen tons, fitted out at , by the Sieur , merchant of the said city, and arrived at . We went on board of said vessel, and have assisted in unloading and weighing said dried cod-fish, amounting to comparison being made with the certificate of the quality of said cod-fish, made out the which has been shown to us, which we certify to be true. At the one thousand seven hundred and eighty- *Signed*.

**AFTERWARDS SHOULD COME THE FOLLOWING.**

**EXAMINED** by us the secretary of the admiralty, and certified to be conformable to the declaration which has been made to us the and carried into the register kept for that purpose; also to the verbal process of verification thereof, prepared by officers of the admiralty, and likewise deposited in our office, the one thousand seven hundred and eighty- *Signed*.

**DRAFT** of the **WARRANT** to be delivered in consequence of the said **DECLARATION**, by the **SECRETARY** of the **ADMIRALTY**, in the **PORTS** where there shall be no **OFFICE** of

**WE** the undersigned secretary of the admiralty of certify that upon the declaration made in our office, the by the sieur captain of the vessel called burthen tons, sitted out at by the sieur merchant in the said city, sailed from the said port the and arrived at the . We went on board the said vessel with the officers of the admiralty, where we assisted in unloading and weighing the said dried cod-fish, amounting to quintals, comparison being made with the declaration, passed at the office of the admiralty of by the said sieur the and with the certificate of the quality of said cod-fish delivered the which have been shown to us, which we certify to be true and conformable both with the declaration which has been made to us thereof, and carried into the register kept for that purpose in our office, and with the verbal process of verification thereof, which has been prepared by the sieurs and also deposited in our office, at the one thousand seven hundred and eighty- five. *Signed*. **DECREE** in

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the Council, the eighteenth of September, one thousand, seven hundred and eighty-five.

**Signed, *The MARECHAL DE CASTRIES.***

Faithfully translated from the original, by **JOHN PINTARD.**

**Decree of the KING's Council of State, raising the** Tax imposed on the Cod-Fish of the Foreign Fishery, which shall be Imported into the Windward and Leeward Islands of America, to *Five Livres* per quintal.

*Of the 25th SEPTEMBER, 1785.*

Extract from the **REGISTERS** of the **COUNCIL** of **STATE.**

**EXPERIENCE** having proved the necessity of procuring a certain subsistence for the blacks of the windward islands, by recourse to the cod-fish of foreign fishery, as well as those of the French Fishery, there was first established a tax of eight livres per quintal afterwards one of the five livres only, on the importation made of this commodity by foreigners, so as to compensate as far as possible the difference in the price of one and the other supplies. The king having afterwards thought proper to authorize the same competition at St. Domingo, by reducing nevertheless the tax which should be imposed on the foreign importation into his several American colonies to a lower rate; his Majesty by decree of his council, of the 30th August, 1784, has permitted the foreigner to import dried cod-fish, only at ports appointed for trade, in consideration of paying a duty of three livres tournois per quintal, the amount of which shall be appropriated to premiums for the encouragement of importing cod and salt fish, coming from the national fishery. These successive dispositions had been regulated by the proceeds of this last, which only offered, including the whole consumption of the kingdom, but a moderate overplus; but the sensible increase which it has taken since the return of peace, the emulation which prevails in this respect among the owners of vessels in many ports of the kingdom, the hope of attaining shortly to more satisfactory consequences, if they were excited by the efforts of the government itself; all these motives have determined his Majesty to



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facilitate by new advantages, the sale of cod-fish, of the French fishery, in his windward and leeward colonies. He has therefore by decree of his council of the 18th of this month, raised the premium which he is pleased to grant on the importation of cod-fish of the national fishery into the islands to Ten Livres per quintal; but it has at the same time, thought it indispensable to re-establish the duty of five livres per quintal, on the importation which shall hereafter be made by foreigners in said islands, through the confidence he has that therefrom will result the double effect of increasing the expeditions of the French merchants for the fishery, and the means of turning the proceeds of the said tax into his Royal treasury, to ease his finances of part of the sacrifice he has imposed on it; for which purpose being willing to make provision; having heard the report, the King being present in his council, his Majesty has ordered, and orders as follows:

*Art. I.* Reckoning from the day of the publication of the present decree in the windward and leeward American colonies, Five Livres per quintal of cod and salted fish, shall be levied upon foreigners who shall import them into the appointed ports of said colonies, independent of the local duties, established or that may be established; His Majesty annulling thus far, the V. article of the decree of his council, of the 30th of August, 1784. The produce of said duty of Five Livres, shall every year be turned into the Royal treasury, to be employed as far as it will go, to compleat the premium of Ten Livres granted by his Majesty in the decree of his council of the 18th of this month, on every quintal of dried cod-fish coming from the French fishery, which shall be imported into said colonies.

II. The captains of vessels who shall carry their cod-fish directly from the islands of St. Pierre and Miquelon, or other fishing places to the said islands, can only enter in the established ports, in conformity to the 10, 11, 12, 13 and 14th articles of the decree of the council, of the 30th August, 1784, and upon condition of observing the formalities and conditions there prescribed.

III. His majesty enjoins the governor general and intendants, or of the said colonies, to proceed instantly in forming a reasonable tariff for the time of the officers of the court of

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the admiralty, charged with the verifications and warrants ordered by the 4, 5 and 6th articles of the decree of his council of the 18th of this month, which decree shall remain annexed to the present, to be executed according to its form and tenor. The said tariff shall be addressed to the secretary of state, administering the marine and colony department, to be approved of if requisite by his majesty, and nevertheless executed provisionally, until it shall otherwise be ordered.

His majesty commands the duke de Penthièvre, admiral of France, and the governors, lieutenant-generals, particular commandants, intendants, commissaries generals and all others whom it may concern, to assist, each of them respectively, in the execution of the present decree. His majesty also commands the superior councils and tribunals of the French American colonies, to proceed to the registering of this, to be read, published and affixed, wherever it may be necessary.

**DONE** in the king's council of state, his majesty being there present, held at St. Cloud, the twenty fifth of September, one thousand seven hundred and eighty-five. *Signed, **The MARECHAL DE CASTRIES.***

The duke de Penthièvre, admiral of France, governor and lieutenant-general, for the king in his province of Brittany;—

Having seen the foregoing decree of the king's council of state, and the other parts addressed to us: We command all those over whom our power extends, to execute and cause to be executed, each for himself respectively, according to its form and tenor; and we order the officers of the admiralties to cause it to be enregistered in the offices of their courts, to read, publish and affix it wherever necessity may require.— **DONE** at Vernon, the thirtieth of September, one thousand seven hundred and eighty-five. *Signed. **L. I. M. DEBOURBON,*** And beneath by His most Serene **HIGHNESS. Signed. PERIER.**

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